

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIRST DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 13969 of 2005

Between:

- 1 P.Bujjamma W/o.P.Dilip
R/o.Daminedu Village, Tirupathi Rural Mandal Tirupathi, Chittoor District.
- 2 G.aruna W/o.G.Ramana
R/o.Daminedu Village, Tirupathi Rural Mandal Tirupathi, Chittoor District.
- 3 H.Nirmala W/o.Razvi Kumar
R/o.Daminedu Village, Tirupathi Rural Mandal Tirupathi, Chittoor District.
- 4 E.Indrani W/o.e.Munaswami
R/o.Daminedu Village, Tirupathi Rural Mandal Tirupathi, Chittoor District.
- 5 A.Munirathnamma W/o.A.Chanchaiah
R/o.Daminedu Village, Tirupathi Rural Mandal Tirupathi, Chittoor District.
- 6 M.Chandramma W/o.M.Subbaiah
R/o.Daminedu Village, Tirupathi Rural Mandal Tirupathi, Chittoor District.
- 7 V.Varalakshmi W/o.V.Narayana
R/o.Daminedu Village, Tirupathi Rural Mandal Tirupathi, Chittoor District.
- 8 D.Parvathi
R/o.Daminedu Village, Tirupathi Rural Mandal Tirupathi, Chittoor District.
- 9 S.Rathanamma
R/o.Daminedu Village, Tirupathi Rural Mandal Tirupathi, Chittoor District.
- 10 V.Sailaja
R/o.Daminedu Village, Tirupathi Rural Mandal Tirupathi, Chittoor District.

..... PETITIONERS

AND

- 1 The District Collector Chittoor, Chittoor District.
- 2 The Revenue Divisional Officer Tirupathi, Chittoor District.
- 3 The Mandal Revenue Officer Tirupathi Rural Mndal, Tirupathi, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the 3rd respondent in seeking to dispossess the petitioners from the land and houses in S.No.107 and 109 of Daminedu Village, Tirupathi rural Mandal, Chittoor District, during the pendency of the representations submitted by the petitioners for grant of house site pattas in the said Sy.No.107 and 109 of Daminedu Village, Tirupathi Rural Mandal, Chittoor District as arbitrary illegal offending Article 14 of the Constitution of India, with a consequential direction to the respondents not to interfere with the possession of the petitioners in accordance with law.

Counsel for the Petitioner: MR.P.SUBASH

Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

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ORDER:

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This writ petition is filed to issue a writ of *mandamus* declaring the action of the third respondent in trying to dispossess the petitioners from the land and houses in Sy.Nos.107 and 109 of Daminedu village, Tirupathi Rural Mandal, Chittoor District, during the pendency of the representations submitted by the petitioners for grant of house site pattas in the said survey numbers, as illegal, arbitrary and unconstitutional.

The learned counsel for the petitioners submits that petitioners belong to Scheduled Caste, Scheduled Tribe and backward classes and they are eking out their livelihood by working as agricultural coolies and occupied the Government land at Upperapalem in Tirupathi urban mandal. The respondent authorities asked the

petitioners to vacate their houses from Upperapalem with an assurance that they will provide house site pattas in the Government Poramboke Lands in Sy.Nos.107 and 109 at Daminedu village, Tirupati Rural Mandal, Chittoor District. On such assurance, petitioners voluntarily vacated the houses and occupied the land in Sy.Nos.107 and 109 of Daminedu village. As the respondents failed to discharge their promise of granting pattas to the lands, which are in petitioners' occupation, they made several representations to the respondent authorities. At one point of time, Revenue Divisional Officer, Tirupati, instructed the Mandal Revenue Officer, Tirupati Rural Mandal, to obtain opinion from Executive Engineer, Irrigation, Tirupathi for grant of house site pattas of the said land to the petitioners. The M.R.O. in his turn through letter ROC A/2002 dated 16-10-2002 sent the extracts of No.2 Adangal, Sketch etc., of the said land to the R.D.O. On the basis of the proposed sketch submitted by the M.R.O., R.D.O. in his letter dated 20-10-2002 requested the Executive Engineer, Irrigation, Tirupati, to furnish his technical opinion about the said lands. On inspection, the Executive Engineer vide letter dated 09-12-2002 opined that the said lands may be assigned in favour of the petitioners, subject to certain conditions. Though favourable opinion was given by the Executive Engineer, respondent authorities have not granted pattas. The learned counsel for the petitioners further submits that some of the encroachers of Daminedu village approached this Hon'ble Court by filing W.P.No.9628 of 2004 with a prayer to prevent the respondents therein from dispossessing the petitioners therein and by order dated 25-05-2004 this Court granted Status-quo. But, the respondent authorities are illegally seeking to dispossess the petitioners from the said land. Hence, the present writ petition.

Though time has been granted, the learned Government Pleader for Revenue reports 'no instructions'

Admittedly, at one point of time, R.D.O., Tirupati, instructed the M.R.O., Tirupati Rural Mandal, to obtain opinion from the Executive Engineer, Irrigation, Tirupathi for grant of house site pattas of the said land; the M.R.O. vide letter dated 16-10-2002 sent the extracts of No.2 adangal, sketch etc., of the said land to the R.D.O; the R.D.O. vide letter dated 20-10-2002 requested the Executive Engineer, Irrigation, Tirupati, to furnish his technical opinion about the said land; and Executive Engineer after inspection vide letter dated 09-12-2002 opined that the said land may be assigned in favour of the petitioners. But, it is not known under what circumstances

petitioners were not assigned with the said land from the year 2002 to this date.

Having regard to the facts and circumstances of the case, I deem it appropriate to dispose of the Writ Petition, at the stage of admission, directing the respondents to consider the case of the petitioners for grant of pattas to the extent of land in their occupation and pass appropriate orders in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. Till such time, the respondents are directed not to dispossess the petitioners from the land in their occupation. No order as to costs.

ELIPE DHARMA RAO, J.

Dated 01-07-2005.

skmr

..... REGISTRAR

Copy to:

- 1 The District Collector Chittoor, Chittoor District.
- 2 The Revenue Divisional Officer Tirupathi, Chittoor District.
- 3 The Mandal Revenue Officer Tirupathi Rural Mandal, Tirupathi, Chittoor

District.

4 2 CCs to G.P. for Revenue, High Court Buildings, Hyderabad (OUT).

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